

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOHN S. OLAUSEN,

Plaintiff,

v.

G. CARPENTER, *et al.*,

Defendants.

Case No. 3:19-CV-00549-ART-CLB

**ORDER GRANTING IN PART AND
DENYING IN PART MOTION FOR
EXTENSION OF TIME**

[ECF No. 63]

Pending before the Court is Plaintiff John Olausen's ("Olausen") motion for an extension of time to file a response to the motion for summary judgment. (ECF No. 63.)

On March 14, 2022, Defendants filed a motion for summary judgment. (ECF No. 49.) Olausen was given notice of the motion pursuant to the requirements of *Klinge v. Eikenberry*, 849 F.2d 409 (9th Cir. 1988), and *Rand v. Rowland*, 154 F.3d 952 (9th Cir. 1998). (ECF No. 53.) Olausen failed to timely file an opposition, so the Court *sua sponte* granted Olausen an extension of time to May 4, 2022 to file an opposition. (ECF No. 55.) Olausen was cautioned that if he failed to file an opposition, the motion would be submitted to the Court for decision. (*Id.*)

On April 11, 2022, Olausen filed a motion to extend time to file his response, which the Court granted to August 4, 2022. (ECF Nos. 56, 57, respectively.) On August 4, 2022, Olausen filed a second motion to extend time to file his response, which the Court again granted to September 16, 2022. (ECF Nos. 59, 61 respectively.) The Court noted that "no further extensions of time will be granted." (ECF No. 61.)

On September 15, 2022, Olausen filed a third motion for extension of time to file a response to the motion for summary judgment. (ECF No. 63.) Olausen has had 185 days to file an opposition. The Federal Rules of Civil Procedure and Local Rules for the United States District Court for the District of Nevada only allow parties 21 days to file oppositions to motions for summary judgment. See Fed. R. Civ. P. 56, Local Rules 7-2(b) and 56-1.

1 Thus, Olausen has had ample time and opportunity to file his opposition. However,
2 keeping Olausen's *pro se* and incarceration status in mind, the Court will grant Olausen's
3 motion to extend time and give him one, final opportunity to oppose the motion for
4 summary judgment.

5 Accordingly, the motion for extension of time, (ECF No. 63), is **GRANTED IN PART**
6 **AND DENIED IN PART**. Olausen shall have until **Friday, September 23, 2022**, to file his
7 opposition. No further extensions of time shall be granted. If Olausen fails to oppose the
8 motion or fails to submit evidence supporting the opposition, the Court may consider the
9 facts as undisputed. Accordingly, if the motion for summary judgment has merit, the Court
10 may recommend that the motion be granted, and judgment entered. See Fed. R. Civ. P.
11 56, Local Rules 7-2(b) and 56-1.

12 **IT IS SO ORDERED.**

13 **DATED:** September 15, 2022.

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16 **UNITED STATES MAGISTRATE JUDGE**
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